



*Jahmese Myres, Chair
Amanda Monchamp, Vice-Chair
Jonathan Fearn
Nischit Hegde
Tom Limon
Clark Manus
Sahar Shirazi*

September 26, 2018
Regular Meeting

The meeting was called to order at **6:09pm**.

ROLL CALL

Present: Hegde, Shirazi, Fearn, Limon, Monchamp, Myres
Excused: Manus

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Items #5 and #6 were continued to a date uncertain. The November 14 meeting was moved to November 28 due to Commissioner availability.

Director's Report

Committee Reports

Commissioners Myres and Monchamp gave an overview of the DRC meeting held immediately prior to this meeting.

Commission Matters

City Attorney's Report

OPEN FORUM

Andrea Rezzonico, Roger Bush, Dennis Cathey, Alexis Schroeder, Joseph Dashiell, Cindy Cathey.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Planning and Building Department at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the Planning and Building Department at 510-238-3941 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

El lugar de la a reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三 (3) 天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941 或TDD 510-238-3254。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



CONSENT CALENDAR

4.	Location:	1301 30th Avenue
	Assessor's Parcel Number(s):	Adjacent to 025-0695-021-01
	Proposal:	To establish a Monopole Telecommunications Facility by attaching an antenna and accessory equipment to an existing light pole in the public right-of-way (sidewalk).
	Applicant:	Ana Gomez, Black & Veatch Corp. (on behalf of ExteNet Systems)
	Owner:	City of Oakland
	Case File Number:	PLN18342
	Planning Permits Required:	Regular Design Review and Major Conditional Use Permit with additional findings for a Monopole Telecommunications Facility in the public right-of-way adjacent to 1301 30th Avenue.
	General Plan:	Community Commercial
	Zoning:	CC-2
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15183: Projects consistent with a Community Plan, General Plan, or Zoning.
	Historic Status:	Non-Historic Property
	City Council District:	5
	Date Filed:	August 21, 2018
	Action to be Taken:	Pending
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact Case Planner Michele Morris at (510) 238-2235 or by email at mmorris2@oaklandca.gov .

7.	Location:	The public Right-of-Way near to 3111 International Blvd. on a City light pole
	Assessor Parcel Numbers:	Adjacent to 025-0689-00-101
	Proposal:	Installation of a wireless telecommunication facility on an existing 24'-3" City Light Pole located in the public right-of-way. The project involves installation of one (1) antenna measuring 24" long and 14.6" in diameter located within shroud at a height of 28'-10" and two (2) radio units (12.05" wide and 27.17" tall and 7.01" deep) mounted at a height of 18'-6" above ground and a meter box mounted on the pole at 7'-6".
	Applicant:	Black & Veatch for Extenet Systems
	Contact Person/ Phone Number:	Ana Gomez of Black & Veatch (913) 458-9148
	Owner:	City of Oakland
	Case File Number:	PLN18341
	Planning Permits Required:	Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on an existing City light pole located in the public right -of-way within a 300' of residential zone.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-2 Neighborhood Center Mixed Use -2
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Minor additions and alterations to an existing City Light Pole; Section 15303: New construction or conversion of small structures; Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	5
	Date Filed:	August 21, 2018
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandca.gov .



Items #4 and #7 were called at 6:55pm.

Motion by Commissioner Shirazi to approve Items #4 and #7, seconded by Commissioner Fearn.

- Ayes:** Shirazi, Fearn
- Noes:** Limon, Myres
- Abstentions:** Hegde
- Recusals:** Monchamp

Motion not approved – 2 ayes, 2 noes, 1 abstention, and 1 recusal.

Motion by Commisisoner Fearn to move the two items to City Council with the recommendation to staff to relay the concerns of the Commission around the lack of community outreach prior to the public hearing on these matters and to also relay the discussion from this meeting, seconded by Commissioner Limon.

- Ayes:** Shirazi, Fearn, Limon, Myres
- Noes:**
- Abstentions:** Hegde
- Recusals:** Monchamp

Approved with 4 ayes, 0 noes, 1 abstention, and 1 recusal.

1.	Location:	319 – 105th Avenue
	Assessor’s Parcel Number(s):	045-5370-043, -044, -045, -046, -047, -048, -049, -050, -051, -052, -053, -054, -055, -056, -057, -058, -059, -060, -061, -062, -063, -064.
	Proposal:	To operate a Limited Agricultural and Plant Nursery business.
	Applicant:	Planting Justice, Jim Moore
	Contact Person/ Phone Number:	Jim Moore (510)655-6750
	Owner:	Planting Justice
	Case File Number:	PLN16082
	Planning Permits Required:	Major Conditional Use Permit for a Limited Agricultural Activity greater than one acre and a Plant Nursery Agricultural Activity in the RD-1 Zone. Regular Design Review for new nonresidential building facilities.
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit Residential
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-fill development projects; Section 15303: new construction of small structures; Section 15183: projects consistent with a community plan, general plan, or zoning.
	Historic Status:	Vacant lot in the 105 th Ave Mixed 2 Area of Secondary Importance (ASI)
	City Council District:	7
	Date Filed:	3/24/16 (Revised plans dated 1/24/17)
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact Case Planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandca.gov .



2.	Location:	4015-4027 Broadway
	Assessor's Parcel Number(s):	012-1000-010-01
	Proposal:	To allow for Alcoholic Beverage Sales as part of a general retail store. The project will allow for the off-site bottle sale of beer, wine, and spirits as well as an on-site tasting room.
	Applicant/Phone Number:	Yoko Kumano (510) 250-9559
	Owner:	JWFGP, LLC
	Case File Number:	PLN18319
	Planning Permits Required:	Major Conditional Use Permit to allow for the establishment of Alcoholic Beverage Sales (off-site bottle sales with an associated interior tasting room/area) as part of a general retail store. Major Variance for Alcoholic Beverage Sales within 1,000 feet of a Civic Activity and other existing like activities, and Findings for Necessity of Convenience.
	General Plan:	Community Commercial
	Zoning:	CC-2 /Community Commercial Zone-2
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Projects that involve existing small structures; Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	None
	City Council District:	1
	Status:	Pending
	Action to be Taken:	Decision of Application by Planning Commission
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Moe Hackett at (510) 238-39730 or by email at mhackett@oaklandca.gov .

3.	Location:	2042 MacArthur Boulevard
	Assessor's Parcel Number(s):	029A-1301-018-00
	Proposal:	To operate a full-service restaurant (Grand Lake Kitchen) with outdoor patio, in conjunction with the sale of alcoholic beverages in an existing 5,700 square foot commercial building.
	Applicant / Phone Number:	May Seto (510) 922-9582
	Owner:	Las Lomas, LLC
	Case File Number:	PLN18083
	Planning Permits Required:	Major Conditional Use Permit to allow a full-service restaurant serving alcoholic beverages, located within 200 feet of a restricted street (MacArthur Boulevard); Minor Conditional Use Permit with additional findings to allow a full-service restaurant commercial activity and open nonresidential facility in the CN-1 Zone
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Commercial-1 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	Ed3
	City Council District:	4
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Gregory Qwan at (510) 238-2958 or by email at gqwan@oaklandca.gov .



Motion by Commissioner Monchamp to approve Consent Calendar items #1, #2, and #3, seconded by Commissioner Shirazi

Ayes: Hegde, Shirazi, Fearn, Limon (Items #1 and #3), Monchamp, Myres (Items #2 and #3)

Noes:

Abstentions: Limon (Item #2), Myres (Item #1)

Item #1 approved with 5 ayes, 0 noes, and 1 abstention.

Item #2 approved with 5 ayes, 0 noes, and 1 abstention.

Item #3 approved with 6 ayes, 0 noes, and 0 abstentions.

This item has been continued to a date uncertain.

5.	Location:	The public Right of Way near 1312 53rd Avenue on a JPA Utility Telephone Pole
	Assessor's Parcel Number(s):	Adjacent to 034-2275-048-00
	Proposal:	Installation of a wireless "small cell site" telecommunication facility for Verizon Wireless on an existing 38' x 1" wooden utility PG&E pole located in the public right of way. The project involves adding a 6' long wood extension to install 1) one panel antenna canister shroud measuring 4' tall at a height of 44' 4" mounted on the top of the existing pole; 2) two radio units and 3) one cabinet and related equipment mounted at a height of 7' and 18' above ground.
	Applicant:	Nexius Solutions for Verizon Wireless
	Contact Person/ Phone Number:	Ari Gibanov (916) 910-5264
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN18332
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility on an existing PG&E pole located in the public right of way in a residential zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM 1 Mixed Housing Type Residential - 1
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Minor additions and alterations to an existing PG&E utility pole; Section 15303: New construction or conversion of small structures; Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	No Historic Record - Utility Pole
	City Council District:	5
	Date Filed:	August 13, 2018
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandca.gov .



This item has been continued to a date uncertain.

6.	Location:	The public Right of Way near 4524 Ygnacio Avenue on a JPA Utility Telephone Pole
	Assessor's Parcel Number(s):	Adjacent to 035-2408-011-00
	Proposal:	Installation of a wireless "small cell site" telecommunication facility for Verizon Wireless on an existing 43' 1" wooden utility PG&E pole located in the public right of way. The project involves adding a 6' long wood extension to install 1) one panel antenna canister shroud measuring 4' tall at a height of 49' 1" mounted on the top of the existing pole; 2) two radio units and 3) one cabinet and related equipment mounted at a height of 7' and 18' above ground.
	Applicant:	Nexius Solutions for Verizon Wireless
	Contact Person/ Phone Number:	Ari Gibanov (916) 910-5264
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN18337
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility on an existing PG&E pole located in the public right of way in a residential zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-3 Mixed Housing Type Residential-3
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Minor additions and alterations to an existing PG&E utility pole; Section 15303: New construction or conversion of small structures; Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	No Historic Record - Utility Pole
	City Council District:	5
	Date Filed:	August 15, 2018
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandca.gov .



PUBLIC HEARINGS

8.	Location:	Citywide
	Proposal:	Planning Code amendments regulating Residential Hotels (SROs), including (1) revisions to Section 17.102.230 to remove references to rooming units and (2) creating a new Code section 17.153 that defines Residential Hotels and an associated Registry process; restricts Conversion, Demolition and Rehabilitation of Residential Hotels or Residential Hotel Units and associated communal facilities; outlines exemptions from the regulations; and describes procedures for appeal.
	Applicant:	City of Oakland
	Case File Number:	ZA18013
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	The proposed amendments to the Planning Code rely on a number of previously adopted and certified program-level CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Wood Street EIR (2005), Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), and Coliseum (1995); the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
	City Council District:	All districts
	Action to be Taken:	To review, discuss and recommend action by City Council
	Staff Recommendation:	Recommendation of approval to the Oakland City Council
	For Further Information:	Contact Case Planner Christina Ferracane at (510) 238-3903 or by email at cferracane@oaklandca.gov .

Item #8 was called at 7:19pm.

Staff: Christina Ferracane, Antoinette Pietras, Brian Warwick

Public Speakers: Alexis Pelosi, Bradley Vaughn, Liat Zavodivker, Jeff Levin, Elissa Dennis, James Vann

Motion by Commissioner Myres to affirm staff’s environmental determination and recommend that the City Council approve the proposed Planning Code amendments related to Residential Hotel Regulations by the expiration of the moratorium with the following amendments: 1) Removal of impact fees as an option; 2) Remove, on page 8, 102.230A3; 3) Change 153.050A to strike “provide” and read “add to the City’s housing supply;” 4) Incorporate relocation and tenant protections for tenants; 5) Incorporate Oakland Tenants Union suggestion that the City have first right of refusal to purchase SRO buildings; 6) Strengthen the certification provisions, possibly including, but not limited to, self-audit under penalty of perjury or third-party verification; 7) Amend 153.040B to read “Conversion or demolition of a residential hotel unit or residential hotel;” 8) Encourage staff to review the code in a way that incentivizes adding housing stock of this type; 9) Encourage and ensure financial feasibility of life-safety repairs and adding additional units while ensuring no net loss of SRO units; 10) Edit section 153.060C by adding demolition for life-safety improvements to the definition, but not conversion; 11) Make considerations for adjustments in timelines for life-safety improvements related to demolition and rehabilitation; 12) Consider assessment of individual units that have been removed from the market; 13) Modify the definitions of permanent occupancy and transient occupancy by staff working with Commissioner Shirazi, EBHO, and other relevant stakeholders to craft the definition options for Council; 14) Have the City explore anything within the existing Zoning Code that prohibits the new construction of this type of housing product; and 15) Encourage the City Council to pass permanent code changes prior to the expiration of the moratorium, seconded by Commissioner Shirazi.



Item #8, continued

Ayes: Hegde, Shirazi, Fearn, Limon, Monchamp, Myres

Noes:

Approved with 6 ayes and 0 noes.

APPEALS

COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions

ADJOURNMENT

The meeting was adjourned at **9:37pm.**

NEXT REGULAR MEETING: October 3, 2018

Minutes prepared by Jonathan Arnold